

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CENTRAL STATES IRON, INC.

PLAINTIFF

v.

CASE NO. 07-5041

SS FENCE & IRON, LLC, SCOTT HELTON
and FIFTH THIRD BANK, INC.

DEFENDANT

ORDER

Currently before the Court is Plaintiff's Notice of Dismissal of Fifth Third Bank, Inc. (Doc. 19) pursuant to Rule 41(a)(1)(I) of the Federal Rules of Civil Procedure. As Separate Defendant Fifth Third Bank, Inc. has not served an answer or summary judgment motion upon Plaintiff, the Court finds that Plaintiff's claims against Separate Defendant should be and hereby are DISMISSED WITHOUT PREJUDICE. Accordingly, Separate Defendant's pending motions to dismiss (Docs. 5 & 17) are DENIED AS MOOT.

IT IS SO ORDERED this 31st day of May, 2007.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge